

[Counsel listed on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re JDS UNIPHASE CORPORATION
SECURITIES LITIGATION

This Document Relates To: All Actions

)
) **Master File No. C-02-1486 CW**
)
) CLASS ACTION
)
) STIPULATION AND ~~PROPOSED~~
) ORDER REGARDING EXHIBITS
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)

1 WHEREAS, on October 24, 2007, Defendants examined expert witness Terrence
2 Barnich;

3 WHEREAS, Defendants moved into evidence certain exhibits during their examination
4 of Mr. Barnich;

5 WHEREAS, the parties agree that three exhibits used during Defendants' examination of
6 Mr. Barnich should be admitted into evidence;

7 WHEREAS, on October 25, Lead Plaintiff introduced the testimony of Thomas Pitre by
8 video deposition;

9 WHEREAS, prior to playing the video deposition testimony of Mr. Pitre, Lead Plaintiff
10 inadvertently moved for the admission of exhibits PX 48, 124, 135, 172, 293, 359, 383, 439, and
11 874, which were not introduced during his testimony;

12 WHEREAS, the parties wish to clarify the exhibits that Lead Plaintiff seeks to move into
13 evidence;

14 WHEREAS, the parties further agree that two exhibits discussed during Defendants'
15 designations of Mr. Pitre's deposition testimony should be admitted into evidence;

16 IT IS HEREBY STIPULATED by and between the parties, through their counsel of
17 record, that:

18 1. The following exhibits introduced during the examination of Terrence Barnich are
19 admitted into evidence:

20 DX 2512 CLEC Report 2001 (page 3 of 13);

21 DX 2642 New Paradigm Press Resources press release dated March 6, 2007; and

22 DX 2643 New Paradigm Press Resources press release dated June 4, 2007;

23 2. Exhibits labeled PX 48, 124, 135, 172, 293, 359, 383, 439, and 874, which Lead
24 Plaintiff moved into evidence before the videotape deposition testimony of Thomas Pitre are
25 withdrawn without prejudice to Lead Plaintiff later moving the Court for admission of those
26 exhibits;

27 3. The following exhibits introduced during the videotape deposition testimony of
28 Thomas Pitre are admitted into evidence:

1 PX 124 April 7, 2000 email from Mario Leduc to Thomas Pitre
2 (with handwriting redacted);
3 PX 379 August 18, 2000 email from Thomas Pitre to OPSS;
4 PX 172 May 31, 2000 email from Thomas Pitre to Martin Matthews;
5 PX 388 August 21, 2000 Forecast Distribution and FPG Demand Forecast;
6 DX 1842 Redbook Review Q1 FY 01 (pages Bates labeled JDSU 1730546-71); and
7 DX 1714 April 26, 2000 email from Thomas Pitre to Orlando Estezo.

8
9 Dated: October 26, 2007

Respectfully submitted,

10 LABATON SUCHAROW LLP

11
12 By: /s/ Anthony J. Harwood

13 Lead Counsel for Lead Plaintiff
14 Connecticut Retirement Plans and Trust Funds

15 BERMAN DeVALERIO PEASE TABACCO
16 BURT & PUCILLO

17 Liaison Counsel for Lead Plaintiff
18 Connecticut Retirement Plans and Trust Funds
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28

1 Dated: October 26, 2007

MORRISON & FOERSTER LLP

2
3 By: /s/ Philip Besirof

4 Attorneys for Defendants
5 JDS Uniphase Corporation, Charles J. Abbe, Jozef
6 Straus, and Anthony Muller

7 Dated: October 26, 2007

HELLER EHRMAN LLP

8
9 By: /s/ Howard Caro

10 Attorneys for Defendant
11 Kevin Kalkhoven

12
13 IT IS SO ORDERED.

14 Dated:

15 CLAUDIA WILKEN
16 United States District Judge

1 I, Anthony Harwood, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Regarding Exhibits. In compliance with General Order 45,
3 X.B., I hereby attest that Philip Besirof, attorney for Defendants, JDS Uniphase Corporation,
4 Charles J. Abbe, Jozef Straus, and Anthony R. Muller, and Howard Caro, attorney for Kevin
5 Kalkhoven, have concurred in this filing.

6
7 Dated: October 26, 2007

LABATON SUCHAROW LLP

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9 By: /s/ Anthony J. Harwood
10 Counsel for Lead Plaintiff
11 Connecticut Retirement Plans
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13 Lead Counsel for Lead Plaintiff
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15 BERMAN DeVALERIO PEASE TABACCO
16 BURT & PUCILLO

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MORRISON & FOERSTER LLP

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3 By: /s/ Philip Besirof

4 Attorneys for Defendants
5 JDS Uniphase Corporation, Charles J. Abbe, Jozef
6 Straus, and Anthony Muller

7 Dated: October 26, 2007

HELLER EHRMAN LLP

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9 By: /s/ Howard Caro

10 Attorneys for Defendant
11 Kevin Kalkhoven

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13 IT IS SO ORDERED.



14 Dated: 10/26/07

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16 CLAUDIA WILKEN
United States District Judge

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7 Dated: October 26, 2007

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